CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MAY 2, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Pastor Keith Williams of Life Way Fellowship Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Police Chief Macagni, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Utilities Chisam, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Public Works/City Engineer Sweet, Senior Deputy City Attorney Stockton, Building Division Manager Marshall, Deputy City Attorney Sinco, Solid Waste/Utilities Engineer Zhao, Planner III Shipsey, and Chief Deputy City Clerk Perez.

PROCLAMATION – GO WESTERN DAYS
Mayor Lavagnino read a proclamation declaring May 13 through June 4, 2006, as "Go Western Days" in the City of Santa Maria and encouraging all residents to enter into the rodeo spirit by wearing western apparel. The proclamation was accepted by Dave Garcia, Trustee.

PROCLAMATION – ELKS NATIONAL YOUTH WEEK
Councilmember Orach read a proclamation declaring the week of May 7 through 13, 2006, as "Elks National Youth Week" in the City of Santa Maria and encouraging the residents of Santa Maria to join in appreciating and acknowledging the observance. The proclamation was accepted by Dave Garcia, Trustee.

PROCLAMATION – COMPOST AWARENESS WEEK
Councilmember Orach read a proclamation declaring the week of May 7 through 13, 2006, as "Compost Awareness Week" in the City of Santa Maria and encouraging everyone to celebrate International Compost Awareness Week and this year's theme: "Compost!.....The Possibilities are Endless." The proclamation was accepted by Carl Engel, Engel & Gray, Inc.

PROCLAMATION – NATIONAL DAY OF PRAYER OBSERVANCE
Councilmember Patino read a proclamation declaring May 4, 2006, as "National Day of Prayer Observance" in the City of Santa Maria and encouraging all Americans of all faiths to participate in the National Day of Prayer according to their own traditions. The proclamation was accepted by Linda Wynn, Community of Prayer, Inc.

PROCLAMATION – NATIONAL POLICE WEEK
Mayor Lavagnino read a proclamation declaring the week of May 14 through 20, 2006, as "National Police Week" and Wednesday, May 17, 2006, as "Peace Officers' Memorial Day" in the City of Santa Maria and encouraging all residents to remember those individuals who gave their lives for our safety and express our appreciation to those who continue to dedicate themselves to making Santa Maria a safer place in which to live. The proclamation was accepted by Police Corporal Steve Lopez and President of the Santa Maria Police Officers Association Officer Robert Morris.

PROCLAMATION – CALIFORNIA BUILDING SAFETY WEEK
Councilmember Trujillo read a proclamation declaring the week of May 7 through 13, 2006, as "California Building Safety Week" in the City of Santa Maria and encouraging all residents to participate in activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of the dedicated code official in administering those codes. The proclamation was accepted by Building Division Manager/Building Official Bob Marshall.

PROCLAMATION – WATER AWARENESS MONTH
Councilmember Orach read a proclamation declaring the month of May 2006 as "Water Awareness Month" in the City of Santa Maria, and urging residents and businesses to increase their water awareness and make conservation a continuing way of life. The proclamation was accepted by Savanah Whitty, Marina Ritchie, and Courtney Reyburn.

PUBLIC COMMENT
Salvador Gascon spoke regarding the May 1st "Day Without Immigrants" march in Santa Maria.

Dr. Jose Ortiz, Superintendent/President of Allan Hancock Community College, spoke regarding Measure I on the June ballot, a $180 million general obligation bond measure for improvements to Allan Hancock Community College. The bond measure, if passed, would add $25 per $100,000 of assessed value per year to property tax bills. He asked for City Council and voter support of the measure.

Henry Grennan, President of the Board of Trustees of Allan Hancock Community College, stated the Board of Trustees did not take the decision to do a bond measure lightly. He also urged support of the measure.

CONSENT CALENDAR
Consent Calendar Items A through G were approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 18, 2006, were approved as submitted.

C. WARRANTS
Warrant Nos. 126782 to 127037 in the amount of $4,968,967.08 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 121025 and 126899 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ABC LICENSE
A notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing restaurant (Person to Person Transfer) for Mi Guesto Es, located at 508 W. Main Street was noted and filed.

F. ABC LICENSE
A notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing restaurant (Person to Person Transfer) for Mariscos Las Islitas, located at 1651 N. Broadway was noted and filed.

G. NOVATION OF AGREEMENT
Resolution No. 2006-61 was adopted approving a novation regarding the agreement with A. J. Diani Construction Company, Inc., for baling of agricultural plastic at the Santa Maria Regional Landfill substituting Central Coast Remedial Resources, Inc., as the agreement's contractor.

Resolution No. 2006-61 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NOVATION REGARDING THE AGREEMENT FOR BALING OF AGRICULTURAL PLASTIC AT THE SANTA MARIA REGIONAL LANDFILL.

ZONING TEXT AMENDMENT TO TITLE 12, CHAPTERS 2 AND 35, OF THE MUNICIPAL CODE, RELATED TO COMMUNITY EVENT BARBECUES.
Planner III Shipsey gave the staff report. In April 2005, the Santa Barbara County Health Department described the potential impact on Santa Maria street barbecues when the Health Department started enforcing the State Health and Safety Codes (HSC). County Health also identified the community event designation in the State HSC as a solution. The City Council directed staff to work with the Health Department to preserve the barbecue fundraisers as community events. As a result, the City Council adopted Resolution No. 2005-128 declaring weekend barbecues as community events as defined in HSC §113750.1. City staff prepared a draft ordinance to regulate fundraising barbecues in the City. The initial draft ordinance was rewritten several times to address many of the operational concerns raised by the public and the Planning Commission. After several public hearings in February and March, the Planning Commission voted 5-0 on April 19, 2006, recommending that the City Council file a Negative Declaration, with modifications made at the Public Hearing, and adopt an ordinance amending the Municipal Code related to Community Event Barbecues. The ordinance establishes general provisions, site guidelines, and allows the Planning Division to issue an over-the-counter barbecue permit, which would be valid for the entire calendar year. The Special Temporary Conditional Use Permit has three components: a copy of the County Health Permit for the barbecue event; written permission from the property owner/property manager to use the site on the dates identified in the application; and a site plan showing how the proposed barbecue would be "set up" and operated.

Mayor Lavagnino thanked staff and the Planning Commission for working so diligently on this to bring about the revised ordinance before the Council. It would allow the City's famous barbecues to continue.

Mayor Lavagnino opened the public hearing.

John Mahan, Knights of Columbus, stated he was both for and against the proposed ordinance. Santa Maria barbecues are the life blood of the community. It helped make Santa Maria an All America City. Many organizations do fund-raising barbecues to raise money for charities. According to the ordinance, a non-profit organization could only do four barbecues a year. That is their main problem with the ordinance.

Planner III Shipsey explained that a community event was defined as a weekend barbecue held on Friday, Saturday, or Sunday, two of the three days, up to 25 consecutive days during a calendar quarter. The community event designation allows the non-profit organizations to continue their barbecues. It also allows them to obtain a

County Health Department permit; and if application is made two weeks in advance, the permit is free. The City permit would be issued for the entire calendar year.

Mr. Mahan stated with that clarification, the Knights of Columbus would support the ordinance.

Nancy Stewart also said she was both for and against the ordinance. She said she appreciated all the work the Planning Commission, City staff, and the community went through during the last year to get to this ordinance. She supports the barbecues. It is one of the wonderful things about Santa Maria that brings in tourists. She said her one problem with the ordinance was allowing an organization to hold a barbecue every single weekend, making it a business in direct competition with local businesses. It hurt smaller groups who only do barbecues once in a while. She felt once a month was sufficient.

Stan Bickley, Athletic Director and Coach at Valley Christian Academy (VCA), stated from last summer until now, he had been involved in this process with staff and the Planning Commission. With the proposed ordinance, it would protect the tradition of Santa Maria style barbecues. He said he appreciated the heart and understanding of the Planning Commission, and VCA supported the ordinance as proposed.

Hearing no further requests to testify, Mayor Lavagnino closed the public hearing.

Councilmember Patino asked if an organization would have to get a County Health Permit prior to each and every event.

Planner III Shipsey stated it was his understanding that the County Health Department issued their permits one event at a time.

Councilmember Patino asked who was going to do the monitoring that was mentioned in the Staff Report.

Planner III Shipsey stated primarily it would be the County Health Department that would do the monitoring. They would check to see if the group had a Health Permit and was a non-profit organization. If the group was not a non-profit organization, they would shut them down; or if it was a one-time thing, they would probably educate them on the rules.

Councilmember Patino asked if the City would be doing any of the monitoring.

Deputy City Attorney Sinco stated the Code Compliance Division would be enforcing the ordinance on a complaint basis.

Councilmember Patino expressed concerns regarding the number and size of the equipment that could be used for barbecues. She said it seemed excessive to her and more like a business. She asked how they arrived at the 26 foot length.

Deputy City Attorney Sinco replied it was somewhat arbitrary after surveying what equipment was being used throughout the City.

Councilmember Mariscal thanked the Planning Commission for all their input and work on this. He said this ordinance put a protective umbrella over the non-profit organizations to allow the Santa Maria style barbecues to continue. The County Health Department wants consistency and to protect people from getting sick. During this process, there was a perception that some of these organizations were conducting a business by holding barbecues every weekend. The perception was that these groups were competing with local restaurants who pay for overhead, pay employees, and pay Workers Compensation Insurance. He thanked the Santa Barbara County Fairpark for making an arrangement with Valley Christian Academy, which would benefit both. He said he thought this ordinance was a good compromise.

Councilmember Trujillo stated he would support the ordinance. He said the comments he received were not opposing barbecues on Saturdays and Sundays. It was the ones that started on Wednesday or Thursday. He said it was unreasonable for any organization to be barbecuing four or five days a week. According to the proposed ordinance, that would not be allowed.

Resolution No. 2006-62 was adopted approving a Negative Declaration of Environmental Impact, E-2005-082, for Zoning Text Amendment, Z-2005-003 on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-62 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (E-2005-082) FOR ZONING TEXT AMENDMENTS, Z-2005-003.

Ordinance No. 2006-09 amending Title 12, Chapters 2 and 35 of the Municipal Code, was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-09 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 12 CHAPTERS 2 AND 35 OF THE SANTA MARIA MUNICIPAL CODE RELATING TO COMMUNITY EVENT BARBEQUES (Z-2005-003).

PUBLIC HEARING FOR AN EXTENSION OF A SECOND INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON LOCATIONS OF MEDICAL MARIJUANA DISPENSARIES.

Senior Deputy City Attorney Stockton gave the staff report. On April 4, 2006, the City Council adopted a second interim, urgency ordinance which created a moratorium on the location of medical marijuana dispensaries in the City pending a study of appropriate locations for such facilities. The independent basis for the ordinance is legal uncertainty about the City's authority to regulate medical marijuana dispensaries. Because of this increased uncertainty, staff has not proposed a permanent zoning ordinance on the topic. Instead, staff recommends that the City Council extend the second interim ordinance which places a moratorium on location of medical marijuana dispensaries in the City. The extension would be in effect for 22 months and 15 days, until March 17, 2008.

Mayor Lavagnino opened the public hearing.

Salvador Gascon stated this was a very controversial issue that affects a lot of people in need medically. He referenced an article in the *New Times* a few weeks ago which indicated that the only dispensary currently was in Morro Bay. That was a long way for people to travel. He asked if the moratorium was being extended because the City could not find locations where medical marijuana dispensaries could go or needed more time to study it.

Hearing no further requests to testify, Mayor Lavagnino closed the public hearing.

Ordinance No. 2006-10, a first extension to a second interim ordinance establishing a moratorium on any and all medical marijuana dispensaries was introduced by title only and adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-10 adopted. FIRST EXTENSION TO SECOND INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A MORATORIUM ON ANY AND ALL MEDICAL MARIJUANA DISPENSARIES, EXTENSION TO TAKE EFFECT IMMEDIATELY ON MAY 2, 2006.

THIRD QUARTER FINANCIAL REPORT

Director of Administrative Services Snodgrass gave the staff report. With 75 percent of the year complete, revenues are at 64.5 percent of projections while expenditures are at 70.6 percent of appropriations. Operating revenues (excluding transfers) are $1.5 million or 14.1 percent less than last year at this time. Operating expenditures (transfers excluded) are $4.1 million or 14.5 percent higher than the prior year. The top five revenue sources account for about 62 percent of total General Fund revenues. Sales tax receipts are approximately $186,000 less than the prior year as a result of the timing differences and the implementation of the State's Triple Flip. The City expects to receive $7.6 million or 100 percent of the budgeted amount during the remaining quarter of the fiscal year. Vehicle License Fee receipts are approximately $763,000 more than the prior year and are 66 percent of the budget. The City expects to receive a $3.1 million VLF payment in May bringing the VLF percentage to 126 percent. Operating costs were 4.4 percent less than budgeted in the third quarter. In the Water/ Wastewater Fund, expenditures exceed revenues by $4.2 million primarily because State Water payments are paid in full at the beginning of the fiscal year. Total annual payments, including debt service requirements, range from $18.1 million to $24.8 million. A budget amendment report has been included which recommends operational changes.

Councilmember Mariscal stated it looked like most of the budget amendments were primarily related to increased fuel costs. Previously, the City Council approved a request for allowing SMOOTH to utilize the City's fueling station. He asked if the City had looked at cooperative agreements with other agencies to purchase fuel in bulk to keep the costs down. He said he wanted to commend City staff for doing a phenomenal job.

Director Snodgrass indicated the City had not looked at that type of cooperative agreement. She said it was a good idea and staff would look into it.

Councilmember Mariscal asked Director Snodgrass to explain that purchasing a vehicle in San Luis Obispo did not save a person sales tax. He said that question had come up many times recently because of Measure D.

Director Snodgrass explained that when purchasing a vehicle or major appliance, a person paid sales tax based on where they lived, not where the purchase was made.

Councilmember Orach recommended people purchase vehicles or major appliances in their town because the local businesses did so much for the community and helped the non-profit organizations and youth groups.

Resolution No. 2006-63 was adopted approving amendments to the 2005-06 budget on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-63 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2005-06 AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SAME.

REPORT BY CITY MANAGER

City Manager Ness stated that in 2004-05 the average price of a gallon of gasoline was $1.95 and in 2005-06 it was an average of $2.36. The City purchases more than 400,000 gallons of gasoline a year. Today's price is $3.09.

City Manager Ness reported on items for the next regular City Council meeting on May 16, 2006, including a presentation by SBCAG on the Measure D Reauthorization proposal, the Engineers Report for the final year of the Williams Feedlot Assessment District, and final allocations for CDBG funds and HOME Investment Partnership funds for Fiscal Year 2006-07.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Orach reported on the Regional Special Olympics Games at Vandenberg Air Force Base on Saturday.

Councilmember Patino reported on the Fighting Back Santa Maria Valley Town Hall Meeting at the Board of Supervisors Hearing Room last Thursday regarding the impacts of methamphetamines. There were 95 people in attendance. She recognized the partner organizations involved.

Councilmember Mariscal reported on the Kiwanis Gypsy Carnival held last Friday, and the last concert of the season for the Santa Maria Philharmonic last Saturday. He also reported on two events coming up: the Rotary Barn Party on Saturday, May 6th at the Fairpark which would be a luau; and on May 12th the Economic Forecast would be presented at the PCPA Marian Theater. Santa Maria has become the economic engine of the entire Central Coast. There is no other community that is doing what Santa Maria is doing.

Mayor Lavagnino stated Santa Maria is not only the economic engine for the County, but it is the "can do" City. Santa Maria just surpassed Santa Barbara in population. It is not just larger in population, it also has a larger heart than Santa Barbara. It is the people of Santa Maria that make it a great City.
Mayor Lavagnino reported on a Relay for Life wine tasting event at Addamo Vineyards for the American Cancer Society.

CLOSED SESSION

Mayor Lavagnino announced that the Closed Session for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria was not needed and was withdrawn from the agenda.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:20 p.m. by order of Mayor Lavagnino.

APPROVED
May 16, 2006
Date

ATTEST:
Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria